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May 17, 2024

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: Competello v. Envy Stylz Boutique,
1:24-Civ. 1454 (KPF)

Dear Judge Failla:

We represent Plaintiff Susan Competello (“Plaintiff”) in the above referenced ADA matter against Defendant, Envy Stylz Boutique, LLC. (“Defendant”) (collectively the “Parties”). Together with Defendant’s counsel, we submit this joint letter and proposed Case Management Plan, in accordance with this Court’s Order issued on March 8, 2024 (Doc. No. 6).

(1) A Brief Statement of the Nature of the Action and the Principal Defenses.

This is a case brought under the Americans with Disabilities Act (“ADA”). The Plaintiff experienced accessibility issues when navigating the Defendant’s public website, <https://www.envystylz.com> with the use of his screen-reading software and maintains that the website’s incompatibility with such aids renders it inaccessible to non-sighted individuals.

Plaintiff seeks injunctive relief to prohibit Defendant from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, and the N.Y.C. Administrative Code § 8-107. Plaintiff further seeks injunctive relief requiring Defendant to take all necessary steps to ensure its Website is in full compliance with the requirements set forth in the ADA, and its implementing regulations so that the Website is readily accessible to and usable by sight-impaired individuals. Plaintiff further seeks class certification, as well as attorney’s fees and costs. While Defendant contends that its website has been remedied, this is clearly not true. In fact, Plaintiff’s counsel

recently re-tested the Website using both SortSite and Wave Accessibility programs. These audits confirmed that there were still multiple and significant access barriers that exist on the website. Based on these audit results, the Defendant's claim that the subject website is now fully accessible is baseless and must be rejected.

Defendant denies that <https://www.envystylz.com> not fully accessible to and independently usable by Plaintiff and other blind or visually-impaired individuals, and that Plaintiff's rights under the Americans with Disabilities Act ("ADA") have been violated.

(2) A Brief Description of Any Outstanding Motions:

There are no outstanding motions at this time.

(3) The Prospect For Settlement:

The Parties have had preliminary discussions regarding the potential resolution of this dispute. The Parties will continue to engage in good faith settlement discussions to explore a potential resolution of this matter.

We thank the Court for its time and attention in this matter.

Sincerely,



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